

CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH

OA No.86/2005.

Jaipur, this the 19th day of September, 2006.

CORAM : Hon'ble Mr. M. L. Chauhan, Judicial Member.
Hon'ble Mr. J. P. Shukla, Administrative Member.

Dinesh Kumar Sharma
S/o Shri P. L. Sharma,
Aged about 50 years,
R/o 180-A/28, Shanti Kunj,
New colony, Bhajanganj,
Ajmer.

... Applicant.

By Advocate : Shri C. B. Sharma.

Vs.

1. Union of India through
General Manager, North Western Zone,
North Western Railway,
Jaipur 302 006.
2. Chief Personnel Officer,
Office of General Manager,
North Western Zone, Western Railway,
Jaipur 302006.

By Advocate : Shri Anupam Agarwal.

: O R D E R (ORAL) :

The applicant has filed this application against the action of the respondents whereby the applicant was held ineligible for the purpose of examination to the post of Assistant Raja-Bhasha Officer.

2. When the matter was listed for admission on 04.03.2005, ex-parte interim stay was granted by this Tribunal in favour of the applicant thereby directing the respondents to permit the applicant to appear in the


examination provisionally to the post of Assistant Rajabhasha Officer, Group 'B' post to be held on 12.3.2005. It was further clarified that the result of the said examination, so far as, it relates to the applicant be kept in sealed cover and the respondents were restrained to make regular appointment against one of the post of Assistant Rajabhasha Officer. However, it was further clarified that the respondents can make ad hoc appointment on the said post which shall be subject to the final outcome of the OA.

3. Notice of this application was given to the respondents. Respondents have filed reply in which they have taken the stand that the applicant did not fulfill the eligibility criteria of having rendered 3 years non fortuitous service in the grade as on 1.7.2004. As such, he was not eligible. Now the respondents have filed an application thereby stating that the respondents despite of their best effort cannot complete the process of selection till date. Accordingly, the competent authority has decided to cancel the notification along with selection procedure. Respondents have also annexed a copy of notification so issued on 25.7.2006 along with MA as Annexure MA/1. The said MA is taken on record and Registry is directed to register the same.

4. In view of this subsequent development, the present application does not survives and has become infructuous.

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Accordingly, the OA as well MA stands disposed of. Learned Counsel for the applicant submits that in view of the fact that the respondents have cancelled the examination, liberty may be reserved to the applicant to challenge the said notification, if any and disposal of this OA will not come in his way to file substantive OA subsequently. Since the notification dated 25.7.2006 whereby the examination has been cancelled was not a subject matter in this OA, it is always open for the applicant to challenge the said notification by filing substantive OA.


(P. P. SHUKLA)
ADMINISTRATIVE MEMBER


(M. L. CHAUHAN)
JUDICIAL MEMBER

P.C./